

OCT 02 2012

JAMES R. LARSEN, Clerk

Spokane, Washington

Deputy

Jon Scott Vrieling WITHOUT REPRESENTATION
Patricia Dionn Vrieling WITHOUT REPRESENTATION
2437 Westshore Drive
Moses Lake, Washington [98837]

UNITED STATES DISTRICT COURT,
EASTERN DISTRICT OF WASHINGTON

UNITED STATES,

vs.

J. SCOTT VRIELING

P. DIONN VRIELING

Defendant

) Case No.: CR-11-57-RHW

)

) Motion for Discovery as Retraxit with
) Status and Disclosure Affidavit of
) Material Facts in Support

)

) EXHIBIT R

)

)

Dated this October 1, 2012

MOTION FOR DISCOVERY AS RETRAXIT WITH AFFIDAVIT IN SUPPORT

1 **MOTION FOR DISCOVERY**

2 **This motion for discovery will be used as proof of justification of**
3 **innocence in the trial of J. Scott and Patricia Dionn Vrieling.**

4
5 **BILL OF PARTICULARS**

6 **Due to our lack of assistance of counsel, we were not aware of the existence or**
7 **necessity of a 'bill of particulars'. We have become aware of the importance**
8 **of such bill of particulars and require the Prosecution to provide a bill of**
9 **particulars for the record.**

10 We require that the bill of particulars clearly identify the venue(s) of action. The
11 nature of the action. The source of law. The nature of the liability. A complete
12 description of the penalties sought. The lawful intention of such penalties. If there
13 is intention to bring civil penalties, those must be identified. If there is intention
14 for detention, such shall be clearly laid out. We must know the nature of the party
15 bringing the action – the principal, and its agents. Without such proof on the
16 record, we cannot verify assumptions of jurisdiction. Further specific clarifications
17 & requests for discovery follow.

18 We are very concerned that the grand jury was not made aware of ANY of these
19 items. We require assistance of counsel.
20

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GRAND JURY

Sec. 1865. Qualifications for jury service

(a) The chief judge of the district court, or such other district court judge as the plan may provide, on his initiative or upon recommendation of the clerk or jury commission, or the clerk under supervision of the court if the court's jury selection plan so authorizes, shall determine solely on the basis of information provided on the juror qualification form and other competent evidence whether a person is unqualified for, or exempt, or to be excused from jury service. The clerk shall enter such determination in the space provided on the juror qualification form and in any alphabetical list of names drawn from the master jury wheel. If a person did not appear in response to a summons, such fact shall be noted on said list.

(b) In making such determination the chief judge of the district court, or such other district court judge as the plan may provide, or the clerk if the court's jury selection plan so provides, shall deem any person qualified to serve on grand and petit juries in the district court unless he--

(1) is not a citizen of the United States eighteen years old who has resided for a period of one year within the judicial district;

Sections 81 - 131 of this chapter show the territorial composition of districts and divisions by counties as of January 1, 1945. Title 28 USC 1865.

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1 We do not believe that we reside in such judicial district, or that we
2 committed crime in such district, or that the 'grand jury' that
3 allegedly indicted us was composed of persons from such judicial
4 district, and require the court to provide proof on record for each of
5 these three requirements.

6 Prove: That there is such judicial district within the state of Washington.

7 Prove: That we live in such district judicial district.

8 Prove: That we are United States citizens.

9 Prove: That crime was committed in such judicial district.

10 Prove: That the 'grand jury' was composed of citizens at least 18
11 years of age from such district who have resided there for over a
12 year.

13 We do not know ANYONE who actually resides on federal territory, and are thus
14 concerned that the 'grand jury' that was seated in our alleged 'indictment' was
15 NOT a lawfully qualified jury. Finding U.S. citizens to fill the jury would have
16 been an unlikely and difficult task, especially since such citizens must have resided
17 within the territory for a year prior to their service. A year is a long time to live in
18 a campground or post office. Was our jury solely filled by military folks living on
19 the base? Is there another United States territory in the Eastern District of
20 Washington where residence qualifies citizens for the jury?

21 We believe the law is intentionally biased towards granting a jury of 'United States
22 Citizens' rather than our peers. We believe that such travesty can only occur under

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1 color-of-law, which is not God's law. God's law says that the agency should have
2 come to us with its grievance. We should have had opportunity for communication
3 and remediation prior to initiation of conflict. Then, and only then, would we be
4 tried by a jury of OUR peers. Twelve upright men with property who are wise,
5 spiritually and juristically. They would be able to see the truth. The truth would
6 set us free. That is God's intention for our land, and for our lives.

7 The lack of godly and lawful juries is further proof of war time emergency power
8 usurpation of authority and tyranny imposed upon the freeborn inhabitants of this
9 land of the United States of America.

10 **We believe that there was not a true "Grand Jury" called in our**
11 **case, and will require discovery to prove the nature of the Grand**
12 **jury that allegedly brought indictment against us.**

13 While we do not have assistance of counsel to assist in this matter, we believe it is
14 the court's duty to verify the composition of the grand jury which we were not
15 invited to meet, and our sixth amendment guaranteed assistance of counsel was not
16 allowed to attend.

17 I hereby attest and affirm under penalty of perjury of the United States that the
18 Grand Jury members allowed to sit in the indictment of Jon Scott Vrieling and
19 Patricia Dionn Vrieling were citizens of the United States who are English
20 speaking, and over the age of 18 and have been citizens of the district for over a
21 year, as required by positive law, 28 USC 1865.

22 _____yes _____no Signed _____

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JURISDICTIONAL ISSUES:

The prosecution will be required to show proof of jurisdiction in each of the following seven areas:

THIS COURT MUST TAKE NOTICE OF THE ORGANIC LAWS AS THE LAW OF THE LAND, as outlined in ER103(2) OFFER OF PROOF NO 11, EXHIBIT #J

Provide answers/discovery in proof of the following:

Are the charges, all counts of indictment, based on laws of the state of the non corporate state of Washington?

_____ yes _____ no Signed _____

Proof:

Are the charges, all counts of indictment, based on laws of the corporate State of Washington?

_____ yes _____ no Signed _____

Proof:

Are the charges, all counts of indictment, based on the Articles of Confederation, and applicable to the one people, the freeborn inhabitants of the United States of America?

_____ yes _____ no Signed _____

Proof:

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1 Are the charges, all counts of indictment, based on the Constitution, with limited
2 application to the territories of the United States, and citizens of the United States

3 _____yes _____no Signed _____

4 Proof:

5 Are the charges, all counts of the indictment, based on foreign law?

6 _____yes _____no Signed _____

7 Proof:

8 ACCUSED MUST BE PROPERLY IDENTIFIED as outlined in ER103(2) offer
9 of proof Number 12, EXHIBIT K

10 Are the accused defendants both citizens of the United States?

11 _____yes _____no Signed _____

12 Proof:

13 Are either of the accused defendants agents, officers, employees, contractors,
14 trustees, or ANY manner of entity dependent on the United States for the
15 determination of its character, duty, or rights?

16 _____yes _____no Signed _____

17 Proof:

18 Are the accused defined as persons in relationship to Title 26 Subtitle A Income
19 taxes?

20 _____yes _____no Signed _____

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1 Proof:

2 Are the accused defined as individuals in relationship to Title 26 Subtitle A Income
3 taxes?

4 _____yes _____no Signed _____

5 Proof:

6 Are the accused defined as taxpayers in re relationship to Title 26 Subtitle A
7 Income taxes?

8 _____yes _____no Signed _____

9 Proof:

10 STATUTE MUST BE IDENTIFIED, as outlined in ER103(2) OFFER OF PROOF
11 NO. 13, EXHIBIT L

12 What statute makes us such persons, individuals, or taxpayers according to Title 26
13 Subtitle A Income tax ?

14
15 What criminal liability statute are we charged with?

16 _____yes _____no Signed _____

17 Proof:

18 Is that a criminal liability statute according to the Internal Revenue Manual?

19 _____yes _____no Signed _____

20 Proof:

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1 Is that a criminal liability statute according to the Internal Revenue Code

2 _____ yes _____ no Signed _____

3 Proof:

4 Is that a criminal liability statute according to the United States Code

5 _____ yes _____ no Signed _____

6 Proof:

7 Is that a criminal liability statute according to the Code of Federal Regulation?

8 _____ yes _____ no Signed _____

9 Proof:

10 Have the statute/s that we are allegedly liable for considered Positive Law?

11 _____ yes _____ no Signed _____

12 Proof:

13 Are the statute/s that we are allegedly liable for applicable to inhabitants of the
14 United States of America?

15 _____ yes _____ no Signed _____

16 Proof:

17 Are the statute/s that we are allegedly liable for applicable to inhabitants of the
18 United States?

19 _____ yes _____ no Signed _____

20 Proof:

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1 Have the following been made a part of discovery to date? If no, please provide:

- 2 1. The constitutional oath of office, as required by 5 U.S.C. § 3331
- 3 2. The civil commission as agent or officer of Government of the United States
- 4 3. Either your personal surety bond or the surety bond of the principal officer responsible for your appointment.

5 These documents should all be filed as public records. See 5 U.S.C. § 2906
6 for requirements concerning filing oaths of office.

FOR:

7 a. Mr. George Jacobs;

8
9 yes _____ no Signed _____

10 Proof:

11 b. Mr. Stephen Maciboba;

12 yes _____ no Signed _____

13 Proof:

14 c. Ms Virginia Keys.

15 yes _____ no Signed _____

16 Proof:

17 d. Mr. Eric Lee

18
19 yes _____ no Signed _____

20 Proof:

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1 If any of the above are lacking, we would also require the same three items from
2 Judge Robert H. Whaley.

3 _____yes _____no Signed _____

4 Proof

5 We require that this information be a part of the record in the case entitled above.

6 In the event that the court and the prosecution are unable to provide the required
7 documentation, this Motion will serve as common law retraxit as justification for
8 the finalization of the current action and a common law protection against further
9 action by the plaintiff in regard to the tax years 1998-2012. We are justified in the
10 expansion of the dates in that lack of any ONE of the above items would preclude
11 action in the future for actions already resolved as of this 2nd day of October, 2012.

12 If the agency/agencies/departments/officers/agents intend to continue this current
13 action all items must be provided, none may be omitted.

14 Any lack of required discovery will be assumed to be due to lack of jurisdiction
15 over the subject, the geographic territory, and the persons.

16 We submit the attached Affidavit of Facts as proof of our understanding of the
17 answers to these questions, as well as for resolution of the alleged requirement to
18 submit Information Returns for the tax years 1998-2012. Such submission does
19 not imply that we are taxpayers or subjects of the United States. We require lawful
20 notice and lawful demand from lawful authority as indication of any future
21 relationship with the United States.

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1 We submit this motion for discovery as AS AN ER 103 (2) OFFER OF PROOF of
2 retraxit, NO. _____, Exhibit _____ in the above entitled manner.

3 **WE REQUIRE THE COURT TO TAKE NOTICE OF OFFER OF PROOF:**

4
5 **That we are submitting as ER 201 Mandatory Judicial Notice submitted as**
6 **CR 8 (d) undisputed affidavit as an ER 902 self-authenticating document with**
7 **CR 56(e) & ER personal knowledge and sworn to under the penalties of**
8 **perjury, as: EXHIBIT #L AS ER 103(2) OFFER OF PROOF NO 13:**

9 **MOTION FOR DISCOVERY WITH RETRAXIT AS PROOF**

10 **Come now before this court, the declarants Jon Scott and Patricia Dionn**
11 **Vrieling -To make declaration of Truth with Offer of Proof in the matter of**
12 **as the 5 U.S.C. 556 (e) exclusive record for decision in accordance with section**
13 **5 U.S.C. exclusive record for decision in accordance with section 5 U.S.C. 557,**
14 **23 CFR 6343-1(b)(3), 26 U.S.C. 7804 (b).**

15
16 **UNITED STATES, operating as a Territorial Government of the United States of**
17 **America, bringing against J. SCOTT AND PATRICIA DIONN VRIELING**
18 **charges of 26USC7203 in a cause of action showing case number CR-11-57-RHW**
19 **in the United States District Court, Eastern District of Washington, United States**
20 **District Judge, ROBERT WHALEY presiding, United States Assistant District**
Attorney, GEORGE C. JACOBS, III representing the United States.

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PENALTY OF PERJURY:

O God of the Angel Armies, no one fools you. You see through everyone, everything. I want to see You pay them back for what they've done. I rest my case with You. Sing to God! All praise to God! He saves the weak from the grip of the wicked." Jeremiah 20:12

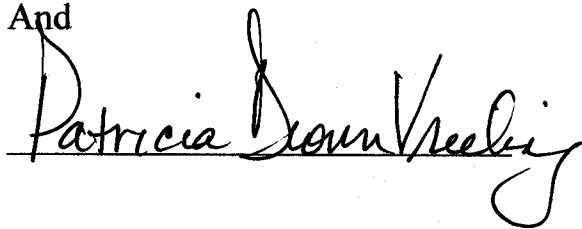
We, Jon Scott Vrieling and Patricia Dionn Vrieling, freeborn inhabitants of the land in Washington, living freely together as man and wife under the divine laws of God and the Organic Laws of the land, declare under penalty of perjury under the laws of the United States of America that the foregoing is a TRUE and correct statement of our beliefs.

Executed on October 1, 2011



Jon Scott Vrieling

And




Patricia Dionn Vrieling

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Notary Public

On the date set out below, the foregoing Motion for Discovery with Affidavit of Material Facts was sworn and signed in my presence by Patricia Vrieling, known to me.

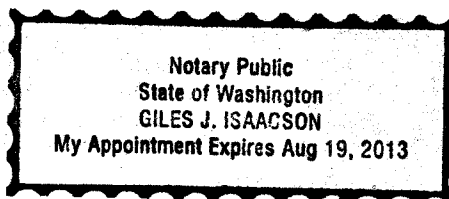
My commission expires 08/19/2013.



Notary Public

10/01/2012
Date

SEAL:



MOTION FOR DISCOVERY AS RETRAXIT WITH AFFIDAVIT IN SUPPORT